

Remarks

In response to the Office action mailed June 13, 2006, Applicant respectfully requests reconsideration in view of the foregoing amendments and following remarks.

Claims 1-17 are allowed.

Previously pending claims 18-32 have been canceled herein. Accordingly, previously pending claims 33-38, which are also allowed, have been renumbered herein as claims 18-23.

Previously pending claims 39-44, which were rejected in the latest Office action on the basis of “improper recapture,” have herein been amended (in order to convert them from device claims to method claims) and renumbered as claims 24-29. Support for these claims may be found at column 2, lines 54-59; column 4, line 53 to column 5, line 1; column 6, lines 5-9 (for claim 26); column 4, lines 53-55 (for claims 27-29); Figs. 6A and 6B; and elsewhere in the patent’s written description.

New claims 30-40 have been added herein. Support for these claims may be found at column 2, lines 54-59; column 4, lines 53-55 (for claim 30); column 4, line 60 to column 5, line 1; column 5, lines 35-40 (for claim 37); column 5, line 67 to column 6, line 9; Figs. 6A and 6B; and elsewhere in the patent’s written description.

The applicant requests the withdrawal of the “improper recapture” rejection of renumbered claims 24-29 (formerly numbered as claims 39-44). These claims have been amended to make them method claims. In the original application, the method claims were not amended in order to overcome a rejection. Thus, the method claims submitted herein cannot involve any recapture of subject matter previously surrendered.

The newly submitted claims are patentable over the art of record. In particular, Farr et al. does not disclose or suggest a method of harvesting bone as claimed in claims 30-40. Fox does not disclose or suggest a method using a cutter-and-collection apparatus provided with the structure as set forth in claims 30-40.

In view of the foregoing amendments and remarks, this application is now in condition for allowance, and a notice to this effect is respectfully requested. If the Examiner believes, after these amendments, that the application is not in condition for allowance, the Examiner is invited to call the Applicants' attorney at the number listed below.

Applicant believes that no extension of time is required; however, this conditional petition for an extension of time is made in the event that the need for such an extension has been overlooked. If any additional fees are required for the timely consideration of this application, please charge deposit account number 19-4972.

Respectfully submitted,



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September 13, 2006

02507/00101 544150.1